

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

06/20/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 03/30/2005.

TITLE: High Seas Fishing Vessel Reporting Requirements

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0349

EXPIRATION DATE: 06/30/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	15,000	850	2
New	15,000	850	3
Difference	0	0	1
Program Change		0	0
Adjustment		0	1

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
HIGH SEAS FISHING VESSEL REPORTING REQUIREMENTS
OMB CONTROL NO.: 0648-0349**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This information collection is necessary to comply with the High Seas Fishing Compliance Act (HSFCA). A copy of the HSFCA is attached. The collection of information regarding catch and effort on the high seas by vessels holding HSFCA permits is provided for by Section 104(d)(2) of the HSFCA. The requirements are contained in regulation at 50 CFR 600.17 (copy attached).

In some cases, regulations promulgated under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) require the reporting of catch and effort on the high seas (i.e., logbooks that must be used in the U.S. Exclusive Economic Zone (EEZ) must also be filled out when the reporting vessel is fishing on the high seas). The HSFCA specifically calls upon NMFS at Section 105(d) to minimize reporting requirements, and to the extent practicable, ensure that regulations promulgated under the HSFCA are consistent with regulations promulgated under the MSFCMA.

To this end, NMFS considers those HSFCA-permitted vessels that already are reporting their catches and effort on the high seas based on regulations promulgated under the MSFCMA to be in compliance with HSFCA reporting requirements. This arrangement will avoid imposing any duplicative reporting requirements on HSFCA permit holders.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information collected by the HSFCA family of logbooks will be integrated into the national NMFS fishery statistics system to calculate the catch and effort of U.S. vessels on the high seas. The data collected will be used in the management of fisheries. The United States is also obligated to provide such data to the United Nations Food and Agriculture Organization (FAO). Aggregated data relating to high seas catches, species composition, effort, etc., will be compiled and made available to the international community through the FAO.

Each logbook sheet begins by collecting information related to the identity of the vessel and the vessel operator, the time frame of the activity being reported, the sequential number of the particular log sheet being filled out, the crew size (of interest from an economics/effort perspective), and whether an observer is onboard (knowledge of observer presence vs. non-presence is useful when examining any differences in data reported by observed vs. unobserved fishing operations). Each logbook sheet also collects, if appropriate, information necessary to identify specific characteristics of the type of gear used. Finally, each log sheet collects the standard information items necessary to ascertain catch and effort for the gear type employed. Logs, including negative reports, will be submitted on a monthly basis.

It is anticipated that information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy and electronic information. See response # 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Long experience in using other logbooks, such as those that served as models for the high seas logbooks, has revealed them to be the most practical, efficient and cost effective method of collecting the needed information. Although not related to information technology, as previously noted, total burden hours have been kept to a minimum by considering those HSFCA permit-holders already reporting high seas catch and effort to be meeting HSFCA reporting requirements.

4. Describe efforts to identify duplication.

As noted in items 1 and 3 above, duplicative reporting requirements were identified and eliminated.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The collection will not have a significant impact on small businesses, organizations or governmental entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Failure to conduct the collection would make it impossible for the agency to carry out its responsibilities under the HSFCA. With respect to frequency, experience has revealed that less frequent data entry results in the collection of less accurate data. Therefore, to collect the information on a less frequent basis would adversely affect the integrity of the data collected and the goal of collecting data that are as accurate as possible.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Except for the frequency with which data are reported, which is discussed in 6 above, this collection is consistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents under this collection.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Data submitted pursuant to this information collection will be accorded confidentiality in accordance with 50 CFR Part 600, Subpart E.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are included in this collection.

12. Provide an estimate in hours of the burden of the collection of information.

There will be an estimated 50 respondents (i.e., vessel operators) using one of the high seas logbooks that are the subject of this collection to report fishing activities on the high seas throughout the year. For purposes of this calculation, each affected vessel has been estimated to spend 180 days per year fishing on the high seas (based on 15 days at sea for each of 12 months). An estimated average response time of 5 minutes a day for filling out a logbook form has been estimated. Using these estimates results in an estimated annual burden of 750 hours:

$$50 \text{ vessels} \times 180 \text{ days} \times 5 \text{ min/day} = 750 \text{ hours}$$

There will be an estimated 500 respondents using one of the high seas logbooks that are the subject of this collection to submit negative reports throughout the year. To account for the time necessary to submit negative reports, 100 hours can be added to the above burden estimate. The 100 hours for negative reports is calculated as follows:

$$500 \text{ respondents} \times 12 \text{ reports} \times 1 \text{ min/report} = 100 \text{ hours}$$

The total estimated annual burden for this collection is 550 respondents, 15,000 responses, and 850 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Mailing costs for vessels that fished are estimated as follows: \$444 for 50 vessels reporting monthly on 15 days of fishing per month ($50 * 12 * \$.74$). Mailing costs for vessels that did not fish are estimate as follows: \$2,220 for 500 vessels reporting no monthly fishing ($500 * 12 * \$.37$). Thus total costs are estimated at \$2,664.

14. Provide estimates of annualized cost to the Federal government.

Aside from minimal costs associated with reproducing copies of the log sheets for permit holders, there are only infinitesimal costs associated with this information collection for the Federal government. No new personnel or equipment costs will be incurred by the Federal government; data will be entered into the NMFS fisheries statistics system by existing staffers with time available within their regular work schedules using existing data programs, procedures and equipment.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The increase in cost results from increased postage costs.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The data collected will not be published per se. However, as noted in item 2, the data will be integrated into the NMFS fisheries statistics system, and will therefore ultimately be reflected in the U.S. catch section of the annual NMFS publication, "Fisheries Statistics of the United States." In this sense, the results of the collection will be published annually.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not use statistical methods.

HIGH SEAS FISHING LOG

Captain:	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board:

[illegible]

COMMENTS:

MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]

INSTRUCTIONS FOR HIGH SEAS LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

DATE FISHED - Enter the date fished. There should be at least one complete entry for each day you fished on the high seas, whether or not you caught anything.

POSITION - Enter the latitude and longitude at which fishing began.

GEAR TYPE - Enter the type of fishing gear used.

RETAINED CATCHES/DISCARDED CATCHES -

Species : Enter the name of the species caught. If you did not catch anything, enter "None."

Number: If practical, enter the estimated number of fish caught.

Lbs.: Enter the estimated weight in whole numbers for each retained/discarded species (indicate dressed (d) or round (r) weight for retained species).

PORT LANDED - Enter the name of the port and state at which the fish were landed. If landed at a foreign port, enter the name of the port and country.

COMMENTS - Provide any comments you believe would be useful. Also be sure to use this section to report information on encounters with sea turtles (e.g., Leatherback, Loggerhead, Green, Kemp's Ridley, Olive Ridley, Hawksbill or "unknown"). Record the date of the encounter; the species, if known; number involved (i.e., caught in, or interacting with, your gear); number observed to be injured; and number observed to be dead.

HIGH SEAS MOTHERSHIP LOG			
Captain:	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board: Yes
GEAR TYPE OF HARVESTER (check one): Hook & Line Pot Non-pelagic trawl Pelagic trawl Jig/Troll			
TARGET SPECIES:		PORT OF LANDING:	

DELIVERY INFORMATION						
CATCHER VESSEL NAME	CG #	RECEIPT TIME	RECEIPT POSITION		ESTIMATED CATCH	COMMENTS
			Latitude	Longitude	RECEIPT WEIGHT	
			N/S	E/W	(Circle lb or mt)	
</						

DAILY AMOUNTS OF RETAINED SPECIES: Indicate: ☐ lb ☐ mt ☐ #

SPECIES CODE											
DAILY TOTAL											

DAILY AMOUNTS OF DISCARDED SPECIES: Indicate: ☐ lb ☐ mt ☐ #

SPECIES CODE											
DAILY TOTAL											

INSTRUCTIONS FOR HIGH SEAS MOTHERSHIP LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the log sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

GEAR TYPE OF HARVESTER: Indicate gear type of harvester by circling one of the following: hook and line, pot, non-pelagic trawl, pelagic trawl, or jig/troll.

TARGET SPECIES: Enter species you are targeting.

PORT OF LANDING: Enter the name of the port and state at which fish were landed. If landed at a foreign port, enter the name of the port and country.

CATCHER VESSEL NAME: Enter the name of the catcher vessel making the delivery.

U.S. COAST GUARD NUMBER: Enter the official U.S. Coast Guard Documentation number of the catcher vessel making the delivery.

RECEIPT TIME: Record the time in military format to the nearest hour when the receipt of the catch is completed.

RECEIPT POSITION: Indicate coordinates of mothership position in latitude and longitude when the catch is received.

ESTIMATED CATCH RECEIPT WEIGHT: Indicate estimated total receipt weight of catch. Indicate pounds or metric tons.

COMMENTS: Indicate any other information that contributes to the understanding of the fisheries. Particularly helpful are comments on gear, weather problems, and information on catch of other species that may have affected the catch rate of the target species.

DAILY AMOUNTS OF RETAINED SPECIES

SPECIES: Enter name of each species retained.

DAILY TOTAL: Record amount of each species retained in pounds, metric tons, or number of animals.

DAILY AMOUNTS OF DISCARDED SPECIES

SPECIES: Enter name of each species discarded.

DAILY TOTAL: Record amount of each species discarded in pounds, metric tons, or number of animals.

TIME LIMITS FOR ENTRIES - The operator must record all entries as to catcher vessel delivery information within 2 hours after completion of receipt of groundfish. The operator must record all other information required by noon of the day following the day the catch receipt, discard, or production occurred

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.

HIGH SEAS PELAGIC LONGLINE/GILLNET LOG -- Daily Form									
Captain(please print):			Captain's signature:			Date:		Page #:	
Vessel Name			Official Number			No fishing entire month of:		Crew size:	
								Observer on Board: Yes No	
TARGET SPECIES (circle one): Swordfish Yellowfin Bigeye Mixed Tuna Sharks Other _____									
SET DATE: _____ / _____ / _____					HAULBACK DATE: _____ / _____ / _____				
Begin Set: _____ am pm			End Set: _____ am pm		Begin Haulback: _____ am pm			End Haulback: _____ am pm	
Latitude at beginning: _____ N/S		Longitude at beginning: _____ E/W		OFF-LOADING DATE: _____ / _____ / _____					
				Port/State:					
Surface Water Temp: _____._____ F		First Set of Trip? Yes No							
LONGLINE									
No. of Hooks:		Use Line Thrower? Yes No			No. of Hooks between Floats:		No. of Light Sticks:		
Mainline Length (nm):		Gangion Length (ft):			Floatline Length (ft):		Bait Used: Live Dead		
GILLNET									
Mesh size (in.):		Net length (ft):			Depth of Net (ft):		Number of Nets:		
Depth Fished Below Surface (ft):									
SWORDFISH AND TUNA:					PELAGIC SHARK:				
	RETAINED		DISCARDED			RETAINED		DISCARDED	
	Number	Lbs.	Alive	Dead		Number	Lbs.	Alive	Dead
Swordfish					Blue				
Bluefin Tuna					Mako, Shortfin				
Bonito Tuna					Mako, Longfin				
Skipjack Tuna					Oceanic Whitetip				
Yellowfin Tuna					Portbeagle				
Blackfin Tuna					Thresher, Bigeye				
Albacore Tuna					Thresher, Common				
Bigeye Tuna					OTHER (Specify)				
OTHER (Specify)									
OTHER SPECIES (Total Number)					SEA TURTLES /BIRDS (Total Number):				
	RETAINED		DISCARDED			Involved	Injured	Dead	
	Number	Lbs.	Alive	Dead					
White Marlin					Leatherback				
Blue Marlin					Loggerhead				
Sailfish					Green				
Spearfish					Kemp's Ridley				
Escolar					Olive Ridley				
Dolphin (Mahi)					Hawksbill				
Wahoo					Turtle - Unknown species				
OTHER (Specify)					Bird(s)				
					Bird(s)				

COMMENTS:

INSTRUCTIONS FOR HIGH SEAS PELAGIC LONGLINE/GILLNET LOG

Please use a separate log sheet for each set.

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

TARGET SPECIES: Enter species you are targeting.

Record Set Date (calendar day when set began) and Haulback Date.

Enter times (use local time):

- Begin Set and begin Haulback (designate AM or PM)
- End Set and End Haulback (designate AM or PM)

At the start of each set, record the location to the nearest degree of latitude and longitude, and the Surface water Temperature in degrees Fahrenheit.

Enter the following data for each set if using Longline:

- Number of hooks set
- Number of hooks between floats
- Number of light sticks
- Length of Mainline (in miles)
- Length of Gangions (in feet)
- Length of Floatline (in feet)
- Did you use a line thrower?
- Bait: Indicate Live, Dead, or Artificial.

Enter the following data for each set if using Gillnet:

- Mesh size (in inches)
- Total drift Gillnet net length (in feet)
- Fishing depth range (depth of top and of bottom of net in feet)

Record numbers of SWORDFISH, TUNA, SHARKS, AND OTHER SPECIES kept and thrown back. Record estimated total weight (in pounds) of fish kept. Specify if dressed (d) or round (r) weight. Specify the number of fish that were thrown back ALIVE and the number thrown back DEAD.

Record numbers of SEA TURTLES/BIRDS involved:

- Total number involved. Enter the total number of each sea turtle species, or any birds, that were caught in, or interacted with, your fishing gear for the period of your report.
- Number of injured. Enter the number of each species that were injured while in, or by, your fishing gear.
- Number dead. Enter the number of each species that were observed to be dead while in, or by, your fishing gear.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.

HIGH SEAS PELAGIC PURSE SEINE LOG

Captain:	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board:

Departure Port:	Departure Date:
Unloading Port:	Unloading Date:
Target Species:	Target Species Unloaded (lbs.):

[illegible]

ACTIVITY CODES

SET TYPE CODES

1	FISHING/SETTING	5	NO FISHING - BAD WEATHER		1	UNASSOCIATED FREE-SWIMMING SCHOOL	5	ANCHORED RAFT, FAD OR PAYAO
2	SEARCHING	6	IN PORT (SPECIFY IN POSITION COLUMN)		2	FEEDING ON BAITFISH	6	LIVE MARINE MAMMAL
3	TRANSITING	7	NET CLEANING SET		3	DRIFTING LOG, DEBRIS OR DEAD ANIMAL	7	LIVE WHALE SHARK OR RAY
4	NO FISHING - BREAKDOWN	8	RECEIVE/TRANSFER FISH		4	DRIFTING RAFT, FAD OR PAYAO	8	OTHER

MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]

INSTRUCTIONS FOR COMPLETING HIGH SEAS PELAGIC PURSE SEINE LOG

Daily entries should be made for each day of a fishing trip on the high seas. A trip is the period of time from the departure date to the date of a complete unloading.
the trip.

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

DEPARTURE PORT/DATE: Enter the name of your departure port (e.g., San Diego, CA) and the date of your departure (e.g., 12/25/1996).

UNLOADING PORT/DATE: Enter the name of your final unloading port (e.g., Pago Pago, American Samoa) and the start date of your final unloading (e.g., 2/1/1997).

TARGET SPECIES/TARGET SPECIES UNLOADED: Enter the targeted species for this trip (e.g., albacore) and the unloaded weight (round) of the target species in pounds.

At least 1 line with the following information will be completed for each day during

MONTH: Enter the month (e.g., 12).

DAY: Enter the day (e.g., 26).

ACT. CODE: Enter the appropriate activity code.

POSITION: Enter the geographical position of your vessel in latitude and longitude to the nearest minute. Include the direction as north (N), south (S), east (E), or west (W). If you are not fishing (setting the net) or transferring or receiving fish your position should be the noon-time position.

SET TIMES: Enter the begin and end set times. Times are local times.

SET TYPE CODE: Enter the appropriate set type code.

SST °F: Enter the sea surface temperature in degrees Fahrenheit (e.g., 72).

AIR ASST Y/N: If you were assisted by an airplane or helicopter to locate fish enter "Y" otherwise enter "N."

BIRD RADAR Y/N: If you used bird radar to assist in locating fish enter "Y" otherwise enter "N."

RETAINED CATCHES: Enter the catches, in short tons, of yellowfin tuna (YFT), skipjack tuna (SKJ), bigeye tuna (BET), or bluefin tuna BFT in the appropriate column. If you have catches of other species that you retain enter the name of the species in the SPECIES column (e.g., albacore) and the catch, in short tons, in the CATCH column (e.g., 30). **If you have more than one other species of retained catch, use additional lines for each.**

DISCARDED CATCHES: Enter the amounts of fish that you discarded. Tuna species should be entered by SPECIES and WEIGHT (short tons), other species should be entered by SPECIES and NUMBER of fish. **If you have more than one tuna or other species of discarded catch, use additional lines for each.**

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.

HIGH SEAS TRAP SETTER LOG			
Captain:		Captain's signature:	
Vessel Name		Official Number	
		No fishing entire month of:	
		Crew size:	
		Observer on Board: Yes No	
TARGET SPECIES:		PORT OF LANDING:	
POT GEAR DESCRIPTION		BAIT USED	
POT DIMENSIONS (ft)	GROUNDLINE WT OR DIAMETER	POT SPACING (ft)	%

RECORDS FOR EACH HAUL OR SET:

INDICATE: (1) SPECIES and (2) LB, MT, or #

HAUL #		DATE MO/DAY	TIME (24 HR)	POSITION		DEPTH	# OF POTS RUN	RETAINED CATCH BY SPECIES				DISCARDED CATCH BY SPECIES			
				LAT N/S	LONG E/W			1)	1)	1)	1))	1)	1)	1)
								2)	2)	2)	2)	2)	2)	2)	2)
	Set														
	Up														
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COMMENTS:

MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]

INSTRUCTIONS FOR HIGH SEAS TRAP SETTER LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

TARGET SPECIES: Enter species you are targeting.

PORT OF LANDING: Enter the port and state at which fish were landed. If landed at a foreign port, enter the name of the port and country.

POT GEAR DESCRIPTION

POT DIMENSIONS: Enter length, width and height of pot in feet.

GROUNDLINE WEIGHT OR DIAMETER: Enter pot weight in pounds or pot diameter in inches.

POT SPACING: Enter spacing of pots.

BAIT USED: Enter bait used and percentage.

RECORDS FOR EACH HAUL OR SET

HAUL OR SET NO: Enter the number by sequence of the haul or set.

For longline pot gear, gear retrieval means where the last longline pot gear of a set leaves the water, regardless of where the majority of the haul or set took place.

For pot-and-line gear, gear retrieval means where the last pot of a set leaves the water.

DATE: Set: Enter the date when the gear entered the water.
Up: Enter the date of gear retrieval.

TIME: Record time in military format to the nearest hour, local time.
Set: Enter the begin time (to the nearest minute) when the first pot entered the water.
Up: Enter the time (to the nearest minute) of gear retrieval.

POSITION: Record coordinates of position in latitude and longitude to the nearest minute.

Set: Record position when set is on bottom.
Up: Record position of gear retrieval.

DEPTH (fm): Enter the SET depth for the haul recorded to the nearest fathom and the UP depth when hauling begins.

NUMBER OF TRAPS RUN: Enter the total number of pots or traps set.

RETAINED CATCH: For each species retained, indicate (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish retained for each species.

DISCARDED CATCH: For each species discarded, indicate (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish discarded for each fish species.

TIME LIMITS FOR ENTRIES: The operator must record the time, position, and estimated fish catch weight within 2 hours after gear retrieval. The operator must record all other information required by noon of the day following gear retrieval. Notwithstanding any other time limits, the operator must record all information required within 2 hours after the vessel's catch is off-loaded.

HIGH SEAS TRAWL LOG

Captain:	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board: Yes No

TARGET SPECIES:	PORT OF LANDING:
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RECORDS FOR EACH HAUL OR SET:

INDICATE: (1) SPECIES and (2) LB, MT, or #

HAUL #		DATE	TIME	POSITION		DEPTH	ESTIMATED	RETAINED CATCH BY SPECIES				DISCARDED CATCH BY SPECIES			
				LAT N/S	LONG E/W			1)	1)	1)	1)	1)	1)	1)	1)
								2)	2)	2)	2)	2)	2)	2)	2)
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COMMENTS:

MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]

INSTRUCTIONS FOR HIGH SEAS TRAWL LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

TARGET SPECIES: Enter species you are targeting.

PORT OF LANDING: Enter the name of the port and state at which fish were landed. If landed at a foreign port, enter the name of the port and country.

RECORDS FOR EACH HAUL

HAUL NO.: Enter the number by sequence of the haul.

GEAR RETRIEVAL

For trawl gear, gear retrieval means where retrieval of trawl cable commences.

DATE: Set: Enter the month and day when the gear entered the water.
Up: Enter the date of gear retrieval.

TIME: Record time in military format to the nearest hour, local time.
Set: Enter the begin time (to the nearest minute) when the gear entered the water.
Up: Enter the time (to the nearest minute) of gear retrieval.

POSITION: Record coordinates of position in latitude and longitude to the nearest minute.
Set: Record position when trawl gear reaches the fishing level and begins to fish.
Up: Record position of gear retrieval.

DEPTH (fm): Record bottom depth when net is on bottom and bottom depth when hauling begins. If mid-water trawl, record both gear depth and bottom depth, e.g., if gear is at 20 fm and bottom depth is 30 fathoms, record 20/30.

ESTIMATED TOTAL HAUL: Enter the estimated total of all species in pounds or metric tons (round weight).

RETAINED CATCH: For each species retained, write at the top of the column: (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish retained for each species.

DISCARDED CATCH: For each species discarded, write at the top of the column: (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish discarded for each fish species.

TIME LIMITS FOR ENTRIES: The operator must record the time, position, and estimated fish catch weight within 2 hours after gear retrieval. The operator must record all other information required by noon of the day following gear retrieval. Notwithstanding any other time limits, the operator must record all information required within 2 hours after the vessel's catch is off-loaded.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.

HIGH SEAS TROLL/POLE AND LINE LOG

Captain:	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board: Yes No

Departure Port:	Departure Date:
Unloading Port:	Unloading Date:
Target Species:	Target Species Unloaded (lbs.):

[illegible]

ACTIVITY CODES				COMMENTS
1	FISHING	5	NO FISHING - BAD WEATHER	
2	SEARCHING	6	IN PORT (SPECIFY IN POSITION COLUMN)	
3	TRANSITING	7	RECEIVE/TRANSFER FISH	
4	NO FISHING - BREAKDOWN			

MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]

INSTRUCTIONS FOR HIGH SEAS TROLL/POLE-AND-LINE LOG

Daily entries should be made for each day of a fishing trip on the high seas. A trip is the period of time from the departure date to the date of a complete unloading.

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

DEPARTURE PORT/DATE: Enter the name of your departure port (e.g., San Diego, CA) and the date of your departure (e.g., 12/25/1996).

UNLOADING PORT/DATE: Enter the name of your final unloading port (e.g., Pago Pago, American Samoa) and the start date of your final unloading (e.g., 2/1/1997).

TARGET SPECIES/TARGET SPECIES UNLOADED: Enter the targeted species for this trip (e.g., albacore) and the unloading weight (round) of the target species in pounds.

At least 1 line with the following information will be completed for each day during the trip.

MONTH: Enter the month (e.g., 12).

DAY: Enter the day (e.g., 26).

ACT. CODE: Enter the appropriate activity code.

POSITION: Enter the geographical position of your vessel in latitude and longitude to the nearest minute. Include the direction as north (N), south (S), east (E), or west (W). If you are not fishing or transferring or receiving fish your position should be the noon-time position.

OF POLES: Enter the average number of poles that are being used (**pole-and-line fishing only**).

OF JIG LINES: Enter the average number of jig lines that are being trolled (**troll fishing only**).

HOURS FISHED: Enter the total number of hours fished this day (e.g., 12.5).

SST °F: Enter the sea surface temperature in degrees Fahrenheit (e.g., 72).

RETAINED CATCHES: Enter the catches, in number of fish, by name of the species in the SPECIES column (e.g., albacore) and the catch in the NUMBER column (e.g., 30). **If you have more than three species of retained catch, use additional lines for each.**

DISCARDED CATCHES: Enter the amounts of fish, marine mammals or birds that you discarded. Entries should be by SPECIES and NUMBER of discarded species. **If you have more than two species of discarded catch, use additional lines for each.**

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.

§ 300.15

(xiii) The marks and the background must be maintained in good condition at all times.

[64 FR 15, Jan. 4, 1999]

§ 300.15 Prohibitions.

In addition to the prohibitions in section 300.4, it is unlawful for any person to:

(a) Use a high seas fishing vessel on the high seas in contravention of international conservation and management measures.

(b) Use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under section 300.13.

(c) Use a high seas fishing vessel on the high seas that is not marked in accordance with § 300.14.

[61 FR 35550, July 5, 1996, as amended at 64 FR 15, Jan. 4, 1999]

§ 300.16 Penalties.

(a) Any person, any high seas fishing vessel, the owner or operator of such vessel, or any person who has been issued or has applied for a permit, found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions, permit sanctions, and forfeiture provisions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws.

(b) Permits under this subpart may be subject to permit sanctions prescribed by the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws if any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue.

[64 FR 15, Jan. 4, 1999]

§ 300.17 Reporting.

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to NMFS in a manner set by

50 CFR Ch. III (10–1–00 Edition)

this section. Reports must include: identification information for vessel and operator; operator signature; crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

(i) Antarctic—CCAMLR Logbook (50 CFR 300.107);

(ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));

(iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);

(iv) Atlantic Purse Seine—Purse Seine Logbook (50 CFR 285.54);

(v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));

(vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or

(vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

[64 FR 15, Jan. 4, 1999]

Subpart C—Pacific Tuna Fisheries

AUTHORITY: 16 U.S.C. 951–961 and 971 *et seq.*

FISHERIES ACT OF 1995

Public Law 104–43
104th Congress

An Act

Nov. 3, 1995

[H.R. 716]

Fisheries Act of
1995.
Conservation.
16 USC 5501
note.

To amend the Fishermen's Protective Act.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fisheries Act of 1995”.

SEC. 2. TABLE OF CONTENTS.

The Table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHING COMPLIANCE

- Sec. 101. Short title.
- Sec. 102. Purpose.
- Sec. 103. Definitions.
- Sec. 104. Permitting.
- Sec. 105. Responsibilities of the Secretary.
- Sec. 106. Unlawful activities.
- Sec. 107. Enforcement provisions.
- Sec. 108. Civil penalties and permit sanctions.
- Sec. 109. Criminal offenses.
- Sec. 110. Forfeitures.
- Sec. 111. Effective date.

**TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE
MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES**

- Sec. 201. Short title.
- Sec. 202. Representation of United States under convention.
- Sec. 203. Requests for scientific advice.
- Sec. 204. Authorities of Secretary of State with respect to convention.
- Sec. 205. Interagency cooperation.
- Sec. 206. Rulemaking.
- Sec. 207. Prohibited acts and penalties.
- Sec. 208. Consultative committee.
- Sec. 209. Administrative matters.
- Sec. 210. Definitions.
- Sec. 211. Authorization of appropriations.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

- Sec. 301. Short title.
- Sec. 302. Research and monitoring activities.
- Sec. 303. Definitions.
- Sec. 304. Advisory committee procedures.
- Sec. 305. Regulations and enforcement of Convention.
- Sec. 306. Fines and permit sanctions.
- Sec. 307. Authorization of appropriations.
- Sec. 308. Report and savings clause.
- Sec. 309. Management and Atlantic yellowfin tuna.
- Sec. 310. Study of bluefin tuna regulations.
- Sec. 311. Sense of the Congress with respect to ICCAT negotiations.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

- Sec. 401. Findings.

- Sec. 402. Amendment to the Fishermen's Protective Act of 1967.
- Sec. 403. Reauthorization.
- Sec. 404. Technical corrections.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

- Sec. 501. Short title.
- Sec. 502. Fishing prohibition.

TITLE VI—DRIFTNET MORATORIUM

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Prohibition.
- Sec. 604. Negotiations.
- Sec. 605. Certification.
- Sec. 606. Enforcement.

TITLE VII—YUKON RIVER SALMON ACT

- Sec. 701. Short title.
- Sec. 702. Purposes.
- Sec. 703. Definitions.
- Sec. 704. Panel.
- Sec. 705. Advisory committee.
- Sec. 706. Exemption.
- Sec. 707. Authority and responsibility.
- Sec. 708. Continuation of agreement.
- Sec. 709. Administrative matters.
- Sec. 710. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

- Sec. 801. South Pacific tuna amendment.
- Sec. 802. Foreign fishing for Atlantic herring and Atlantic mackerel.

TITLE I—HIGH SEAS FISHING COMPLIANCE

SEC. 101. SHORT TITLE.

This title may be cited as the “High Seas Fishing Compliance Act of 1995”.

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of permitting, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term “Agreement” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term “FAO” means the Food and Agriculture Organization of the United Nations.

(3) The term “high seas” means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

High Seas
Fishing
Compliance Act
of 1995.
16 USC 5501
note.

16 USC 5501.

16 USC 5502.

(4) The term “high seas fishing vessel” means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term “international conservation and management measures” means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term “length” means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater, except that in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel’s documentation.

(7) The term “person” means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term “Secretary” means the Secretary of Commerce.

(9) The term “vessel of the United States” means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States;

or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized

to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms “vessel subject to the jurisdiction of the United States” and “vessel without nationality” have the same meaning as in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. 1903(c)).

SEC. 104. PERMITTING.

16 USC 5503.

(a) **IN GENERAL.**—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid permit issued under this section.

(b) **ELIGIBILITY.**—

(1) Any vessel of the United States is eligible to receive a permit under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a permit under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a permit would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a permit to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) **APPLICATION.**—

(1) The owner or operator of a high seas fishing vessel may apply for a permit under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

- (F) the type of vessel;
- (G) the vessel's length; and
- (H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) **CONDITIONS.**—The Secretary shall establish such conditions and restrictions on each permit issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

Regulations.

(2) The permit holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

Regulations.

(e) **FEES.**—

(1) The Secretary shall by regulation establish the level of fees to be charged for permits issued under this section. The amount of any fee charged for a permit issued under this section shall not exceed the administrative costs incurred in issuing such permits. The permitting fee may be in addition to any fee required under any regional permitting regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) **DURATION.**—A permit issued under this section is valid for 5 years. A permit issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

16 USC 5504.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) **RECORD.**—The Secretary shall maintain an automated file or record of high seas fishing vessels issued permits under section 104, including all information submitted under section 104(c)(2).

(b) **INFORMATION TO FAO.**—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any permit granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the permit;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of permit application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

Federal Register,
publication.

SEC. 106. UNLAWFUL ACTIVITIES.

16 USC 5505.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a permit issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has

the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or permit issued under this title; or

(10) to violate any provision of this title or any regulation or permit issued under this title.

16 USC 5506.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or permit issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used

or employed in, the violation of any provision of this title or any regulation or permit issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or permit issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

Records.

(e) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any living marine resource or other property seized in connection with the violation.

SEC. 108. CIVIL PENALTIES AND PERMIT SANCTIONS.

16 USC 5507.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) PERMIT SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any permit issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent permits;

(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

(iii) deny such permit; or

(iv) impose additional conditions and restrictions on such permit.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the

United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a permit sanction is imposed under subsection (b) (other than a permit suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

16 USC 5508.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

16 USC 5509.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a

result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

16 USC 5501
note.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

subsidies are not being provided to Richelain Farms.

Based on these final results, we are excluding Richelain Farms from the countervailing duty order in this proceeding. We will instruct U.S. Customs and Border Protection to refund all collected cash deposits and waive future cash deposit requirements for Richelain Farms, as detailed in the "Final Results of Expedited Review" section of this notice.

EFFECTIVE DATE:

January 26, 2005.

FOR FURTHER INFORMATION CONTACT:

Stephen Cho or Daniel Alexy, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3798 and (202) 482-1540, respectively.

SUPPLEMENTARY INFORMATION:

Petitioner

The petitioner is the North Dakota Wheat Commission, one of the participating petitioners in the investigation.

Period of Review

The period of review for this expedited review is the same period as the investigation: August 1, 2001, to July 31, 2002, which coincides with the fiscal year of the Canadian Wheat Board ("CWB"). See 19 CFR 351.204(b)(2) and 19 CFR 351.214(k)(3)(i).

Background

The preliminary results of this expedited review were published in the **Federal Register** on October 21, 2004. See *Preliminary Results of Countervailing Duty Expedited Review: Hard Red Spring Wheat from Canada*, 69 FR 61799 ("Preliminary Results"). In the *Preliminary Results*, we invited parties to comment. The parties neither submitted comments nor requested a hearing.

Scope of Review

The products covered by this order are all varieties of hard red spring wheat ("HRSW") from Canada. This includes, but is not limited to, varieties commonly referred to as Canada Western Red Spring, Canada Western Extra Strong, and Canada Prairie Spring Red. The merchandise subject to this order is currently classifiable under the following *Harmonized Tariff Schedule of the United States* ("HTSUS") subheadings: 1001.90.10.00, 1001.90.20.05, 1001.90.20.11, 1001.90.20.12, 1001.90.20.13,

1001.90.20.14, 1001.90.20.16, 1001.90.20.19, 1001.90.20.21, 1001.90.20.22, 1001.90.20.23, 1001.90.20.24, 1001.90.20.26, 1001.90.20.29, 1001.90.20.35, and 1001.90.20.96. This order does not cover imports of wheat that enter under the subheadings 1001.90.10.00 and 1001.90.20.96 that are not classifiable as hard red spring wheat. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Final Results of Expedited Review

The CWB represents Western Canadian wheat producers who want to sell their wheat in the global wheat market. The CWB enjoys certain powers and rights similar to those of government agencies; for example, under the Canadian Wheat Board Act, the CWB is a single-desk seller of all "Western Division" grain. According to the Canada Transportation Act, "Western Division" means the part of Canada lying west of the meridian passing through the eastern boundary of the City of Thunder Bay, including the whole of the Province of Manitoba.

In the September 5, 2003, *Final Affirmative Countervailing Duty Determinations: Certain Durum Wheat and Hard Red Spring Wheat from Canada*, 68 FR 52747, we determined that the CWB benefitted from two countervailable subsidy programs: "Provision of Government-Owned and Leased Railcars" and "Comprehensive Financial Risk Coverage: The Borrowing, Lending, and Initial Payment Guarantees." In its questionnaire response, Richelain Farms ("Richelain") (the respondent in this expedited review), which is located in Quebec, reported that it never benefitted from the subsidy programs found countervailable in the investigation. Furthermore, Richelain reported that it has never purchased or exported CWB wheat, and that it has no business relationship with the CWB.

At verification, the Department of Commerce ("the Department") did not find any evidence that Richelain received subsidies from the programs found countervailable in the investigation. The Department also found no indication of any relationship between Richelain and the CWB, or that Richelain exported CWB-sourced wheat to the United States. See October 8, 2004, memorandum entitled, "Verification of Richelain Farms in the Countervailing Duty Expedited Review of Hard Red Spring Wheat from Canada," which is on file in the Department's Central records Unit in

Room B-099 of the main Department building. Accordingly, the Department determines that Richelain has not benefitted from any of the subsidies found countervailable in the investigation.

The calculated individual subsidy rate for Richelain, the only respondent subject to this expedited review, is zero. Accordingly, pursuant to 19 CFR 351.214(k)(3)(iv), we determine that Richelain should be excluded from the countervailing duty order. As a result, we will instruct U.S. Customs and Border Protection ("CBP") to refund all cash deposits of estimated countervailing duties collected on all shipments of HRSW produced and exported by Richelain. In addition, we will instruct CBP to waive cash deposit requirements of estimated countervailing duties on all shipments of HRSW produced and exported by Richelain, entered, or withdrawn from warehouse, for consumption on or after the date of publication of these results.

The results of this expedited review are published pursuant to sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended.

Dated: January 19, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-303 Filed 1-25-05; 8:45 am]

BILLING CODE: 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011905D]

Proposed Information Collection; Comment Request; High Seas Fishing Vessel Reporting Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 28, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW,

Washington, DC 20230 (or via the Internet at DHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Bob Dickinson, F/SF4, Room 13304, 1315 East-West Highway, Silver Spring, MD 20910-3282 (phone 301-713-2276, ext. 154).

SUPPLEMENTARY INFORMATION:

I. Abstract

The operators of vessels licensed under the High Seas Fishing Compliance Act are required to report their catch and fishing effort when fishing on the high seas. The requirement is for fishery management purposes and to provide data to international organizations. Vessels already maintaining logbooks under other specific regulations are not required to maintain an additional logbook.

II. Method of Collection

Paper logbook pages are submitted.

III. Data

OMB Number: 0648-0349.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 550.

Estimated Time Per Response: 5 minutes per day for days fish are caught; and 1 minute per day for days when fish are not caught.

Estimated Total Annual Burden Hours: 850.

Estimated Total Annual Cost to Public: 3,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Dated: January 14, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-1338 Filed 1-25-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011905C]

Proposed Information Collection; Comment Request; High Seas Fishing Vessel Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 28, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at DHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Bob Dickinson, F/SF4, Room 13304, 1315 East-West Highway, Silver Spring, MD 20910-3282 (phone 301-713-2276, ext. 154).

SUPPLEMENTARY INFORMATION:

I. Abstract

The operators of vessels licensed under the High Seas Fishing Compliance Act are required to mark their vessels in 3 locations (port and starboard sides of the deckhouse or hull, and on a weatherdeck) with their official number or radio call sign. The requirement is for enforcement purposes.

II. Method of Collection

No information is submitted, only displayed on the vessel.

III. Data

OMB Number: 0648-0348.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Time Per Response: 45 minutes (15 minutes for each of 3 locations).

Estimated Total Annual Burden Hours: 37.

Estimated Total Annual Cost to Public: \$1,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 14, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-1339 Filed 1-25-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011805D]

Proposed Information Collection; Comment Request; High Seas Fishing Permit Application Information

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.